MULTIMEDIA UNIVERSITY

STUDENT IDENTIFICATION NO

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# MULTIMEDIA UNIVERSITY

# FINAL EXAMINATION

**TRIMESTER 2, 2017/2018**

## BLC2014 – BUSINESS AND COMMERCIAL LAWS

( All sections / Groups )

7 March 2018
2.30 p.m – 4.30 p.m
(2 Hours)

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**INSTRUCTIONS TO STUDENT**

1. This Question paper consists of 3 pages with 4 Questions only.

2. Attempt ALL **FOUR** questions. All questions carry equal marks and the distribution of the marks for each question is given.

3. Please write all your answers in the Answer Booklet provided.

## QUESTION 1

(a) Adrian returns home and finds that Jack had cleaned his house and he promises to pay RM50 for his work.

Discuss whether there is any enforceable agreement between them. Support your answer with relevant legal provisions and decided cases.

(10 Marks)

(b) Peter, 15 years old, took legal action against his uncle, Jason, for breach of contract. In the trial, the judge read the summon and the conversation that is written in the statement of claim is as follows:-

Jason : Peter, if you score straight As in all your 11 subjects, I will give you a new motorbike.
Peter : Really uncle? Wow, okay. I want a motorbike Z1000 model. Can I get that model, uncle?
Jason : Of course, you can get Z1000 model. I will deposit RM5000 into my saving account as a proof to my promise.
Peter : Thank you, uncle.

When the result came out, Peter informed his uncle that he scored straight As in his Pentaksiran Tingkatan 3 (PT3) and showed him his result. Unfortunately, his uncle told him that he had used the money in his saving account for his wife medical expenses last month.

Discuss.

(15 Marks)

(Total: 25 marks)

**Continued...**

## QUESTION 2

(a) Explain the concept of a separate legal entity between a company and its officers and members and discuss TWO (2) advantages of the separate legal status of a corporation.

(10 Marks)

(b) Johan is about to take the necessary steps to form a company, Hebat Sdn Bhd, which will sell books. Prior to the incorporation of the company, he enters into a pre-incorporation contract with Fantastic Sdn Bhd to purchase 4 computers and 2 printers. After the incorporation of the company, Hebat Sdn Bhd refuses to ratify the pre-incorporation contract.

Advise Fantastic Sdn Bhd.

(15 Marks)

(Total: 25 marks)

## QUESTION 3

(a) Explain the differences between sale by description and sale by sample.

(10 Marks)

(b) Briefly explain the principle of *nemo dat quo non habit rule* and discuss any THREE (3) exceptions to the principle.

(15 Marks)

(Total: 25 marks)

**Continued...**

## QUESTION 4

(a) With reference to the Trade Mark Act 1976, discuss the FOUR (4) criteria of a trade mark in order for it to be registrable.

(10 Marks)

(b) Section 7 (1) of the Copyright Act 1987 specifies a number of works that are eligible for protection. There are literary works, musical works, artistic works, films, sound recordings and broadcasts.

Explain any THREE (3) works eligible for legal protection under the abovementioned section.

(15 Marks)

(Total: 25 marks)

**End of Paper**